

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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COURTNEY BURTON,

Petitioner,

-v-

9:21-CV-736

WOLCOTT,

Respondent.

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APPEARANCES:

COURTNEY BURTON  
Petitioner, Pro Se  
17-B-3514  
Attica Correctional Facility  
Box 149  
Attica, NY 14011

HON. LETITIA JAMES  
New York State Attorney General  
Attorneys for Respondent  
28 Liberty Street, 14th Floor  
New York, NY 10005

DAVID N. HURD  
United States District Judge

OF COUNSEL:

MARGARET A. CIEPRISZ, ESQ.  
Ass't Attorney General

**ORDER ON REPORT & RECOMMENDATION**

On June 28, 2021, *pro se* petitioner Courtney Burton (“petitioner”), an inmate in the custody of the New York State Department of Corrections and Community Supervision (“DOCCS”), filed this habeas corpus action pursuant

to 28 U.S.C. § 2254. Dkt. No. 1. Briefly stated, petitioner challenges his 2017 judgment of conviction in Onondaga County for, *inter alia*, second-degree attempted murder. *Id.* Thereafter, respondent was directed to file and serve an answer to the petition and to provide the Court with the relevant state-court records. Dkt. No. 5. Respondent has answered, Dkt. No. 14, and filed the appropriate state-court records, Dkt. No. 15.

On December 7, 2021, U.S. Magistrate Judge Thérèse Wiley Dancks advised by Report & Recommendation (“R&R”) that the petition be denied and dismissed. Dkt. No. 35. Neither party has filed any objections, and the time period in which to do so has expired, *see id.* However, petitioner has moved for a certificate of appealability. Dkt. No. 36.

Upon review for clear error, the R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b). Plaintiff’s letter request for a certificate of appealability will be denied.

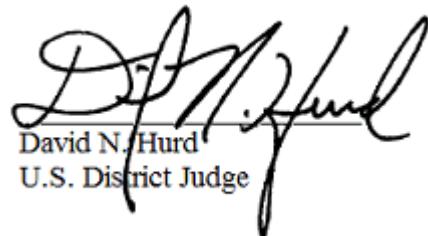
Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 35) is ACCEPTED;
2. The petition is DENIED and DISMISSED;
3. Petitioner’s motion for a Certificate of Appealability (Dkt. No. 36) is DENIED; and

4. Any further request for a Certificate of Appealability must be addressed to the U.S. Court of Appeals for the Second Circuit in accordance with Rule 22(b) of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.



David N. Hurd  
U.S. District Judge

Dated: June 26, 2024  
Utica, New York.